

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re Dennis Campbell Harden,
Cindy Crittenden Harden,
Debtors.

Chapter 13
Case No. 14-33161-KRH

OBJECTION TO CHAPTER 13 PLAN CONFIRMATION

Comes now Bucks Financial Inc., by counsel, pursuant to 11 U.S.C. § 1322, Federal Rules of Bankruptcy Procedure 9014 and local Rule 3015-2, and objects to confirmation of the Chapter 13 Plan dated June 11, 2014, filed by Dennis Campbell Harden and Cindy Crittenden Harden by reason of the following:

I. INADEQUATE PROTECTION

1. The proposed Plan provides no provision for the repayment of the \$55,000.00 arrearage on the loan secured by the real property until month 12 when the debtors Plan indicates they will attempt to refinance the loan.
2. The proposed Plan in paragraph 5a proposes that the Regular Contract Payment is \$958.00 when the debtors' Schedule J accurately reflects that Regular Contract Payment of \$1,329.00.
3. That pursuant to 11 USC 1322 (b)(5) the debtors must provide for the curing of any default within a reasonable time.
4. That if the debtors are denied a refinance in month 12 of the plan then they will be required to increase their monthly Chapter 13 Plan payment by \$1,145.83 to cure the arrearage in the remaining 48 months in the Plan.
5. That the debtors' Schedule I filed with the Plan herein demonstratively shows that the debtors will be unable to cure the then existing default as their budget only has room for the proposed Plan payment of \$350.00 per month.
6. That the Creditor Bucks Financial, Inc. is not adequately protected in the proposed plan.

II. FAILURE TO MAKE POST PETITION CONTRACT PAYMENTS

7. The debtors filed their Chapter 13 bankruptcy on June 11, 2014 and regular contract payments were due to begin July 1, 2014.

8. As of the date of filing of this objection, August 11, 2014, debtors have failed to make post-petition payments and currently have a post-petition arrearage of \$2,658.00 plus attorney's fees and costs.

9. That the debtors' Chapter 13 proposes a refinance after 12 months of Chapter 13 payments, however lending requirements suggest that in order to qualify for a refinance the debtors must make all post-petition payments on time.

10. The debtors' failure to make post-petition payments negates the possibility of a timely refinance as proposed in the debtors' Chapter 13 plan.

WHEREFORE, Bucks Financial Inc. objects to the proposed Plan as it does not adequately protect this secured creditor and is not proposed in good faith and further prays that a hearing be held and that confirmation of this proposed plan be denied as the Plan does not comply with the U. S. Bankruptcy Code.

BUCKS FINANCIAL, INC.

By: /s/ Jacqueline W. Sharman
Counsel

/s/ Jacqueline W. Sharman, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th of August, 2014, a copy of the foregoing was either electronically transmitted and/or mailed by regular mail, postage prepaid to all necessary parties:

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/s/ Jacqueline W. Sharman
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